

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re

SPD II MAKAIWA RESORT
DEVELOPMENT, LLC,

Debtor.

Case No. 23-7153

Chapter 11

Honorable David D. Cleary

**NOTICE OF FILING OF (I) THIRD AMENDED PLAN OF LIQUIDATION UNDER
CHAPTER 11 OF THE UNITED STATES BANKRUPTCY CODE AND (II) REVISED
PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
CONFIRMING THE THIRD AMENDED PLAN OF LIQUIDATION UNDER CHAPTER
11 OF THE UNITED STATES BANKRUPTCY CODE**

PLEASE TAKE NOTICE that, on April 29, 2024, Corban Kauai Chicago Lender, LLC (“**Secured Lender**” or the “**Plan Proponent**”), filed the *Second Amended Plan of Liquidation Under Chapter 11 of the United States Bankruptcy Code* [Doc. No. 161-1] (the “**Second Amended Plan**”).

PLEASE TAKE FURTHER NOTICE that, on June 17, 2024, the Plan Proponent filed the proposed *Findings of Fact, Conclusions of Law, and Order Confirming the Second Amended Plan of Liquidation Under Chapter 11 of the United States Bankruptcy Code* (the “**Original Proposed Order**”) [Doc. No. 206].

PLEASE TAKE FURTHER NOTICE that, on July 24, 2024, the Plan Proponent filed the first revised proposed *Findings of Fact, Conclusions of Law, and Order Confirming the Second Amended Plan of Liquidation Under Chapter 11 of the United States Bankruptcy Code* (the “**First Revised Proposed Order**”) [Doc. No. 216].

PLEASE TAKE FURTHER NOTICE that a hearing (the “**Confirmation Hearing**”) to consider confirmation of the Second Amended Plan pursuant to section 1129 of the Bankruptcy Code was held on September 27, 2024.

PLEASE TAKE FURTHER NOTICE that, on October 1, 2024, the Plan Proponent filed the Plan Administrator Agreement (the “**Plan Administrator Agreement**”) [Doc. No. 271-1 at Exhibit 23].

PLEASE TAKE FURTHER NOTICE that, consistent with the discussion before the Court at the Confirmation Hearing, the Plan Proponent has addressed issues with the plan to resolve concerns raised at the Confirmation Hearing.

PLEASE TAKE FURTHER NOTICE that, on October 4, 2024, the Plan Proponent filed the *Third Amended Plan of Liquidation Under Chapter 11 of the United States Bankruptcy Code* [Doc. No. 280] (the “**Amended Plan**”).

PLEASE TAKE FURTHER NOTICE that for the convenience of the Court and all parties in interest, a redline of the Amended Plan marked against the prior version, the Second Amended Plan, is attached hereto as **Exhibit A**.

PLEASE TAKE FURTHER NOTICE that the Plan Proponent has revised the Original Proposed Order consistent with the discussion before the Court at the Confirmation Hearing and subsequent discussions with parties in interest, and the revised version of the Proposed Order is attached hereto as **Exhibit B** (the “**Second Revised Proposed Order**”).

PLEASE TAKE FURTHER NOTICE that for the convenience of the Court and all parties in interest, a redline of the Second Revised Proposed Order marked against the Original Proposed Order is attached hereto as **Exhibit C**.

PLEASE TAKE FURTHER NOTICE that the Plan Proponent has revised the Plan Administrator Agreement consistent with the discussion before the Court at the Confirmation Hearing and subsequent discussions with parties in interest, and the revised version of the Plan Administrator Agreement is attached hereto as **Exhibit D** (the “**Revised Plan Administrator Agreement**”).

PLEASE TAKE FURTHER NOTICE that for the convenience of the Court and all parties in interest, a redline of the Revised Plan Administrator Agreement marked against the Plan Administrator Agreement is attached hereto as **Exhibit E**.

Dated: October 4, 2024
Chicago, Illinois

Respectfully Submitted,

REED SMITH LLP

By: /s/ Lawrence M. Benjamin
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*Counsel to Plan Proponent Corban Kauai
Chicago Lender LLC*

CERTIFICATE OF SERVICE

I, Lawrence M. Benjamin, hereby certify that on October 4, 2024, I caused a copy of the foregoing **NOTICE OF FILING OF (I) THIRD AMENDED PLAN OF LIQUIDATION UNDER CHAPTER 11 OF THE UNITED STATES BANKRUPTCY CODE AND (II) REVISED PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER CONFIRMING THE THIRD AMENDED PLAN OF LIQUIDATION UNDER CHAPTER 11 OF THE UNITED STATES BANKRUPTCY CODE** to be filed in the above-captioned proceeding. Notice of this filing was sent automatically, via the Court's CM/ECF service, to all parties that have filed an electronic appearance in the proceeding, including the following:

Mark A Carter on behalf of Creditor Walsh Construction Company II, LLC
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W. Kent Carter on behalf of Creditor Belt Collins Hawaii LLC
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David R Herzog on behalf of Debtor 1 SPD II Makaiwa Resort Development, LLC
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Laxmi P Sarathy on behalf of Debtor 1 SPD II Makaiwa Resort Development, LLC
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/s/ Lawrence M. Benjamin
Lawrence M. Benjamin (IL Bar No. 6196417)